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Attorneys for Defendants, WELLS FARGO BANK, N.A. AS TRUSTEE FOR
THE REGISTERED HOLDERS OF STRUCTURED ASSET SECURITIES
CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2007-OSI and OCWEN LOAN SERVICING, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BRIAN PHILLIPS,	)	Case No.: 3:09-cv-01486-H-BLM
)	
Plaintiff,	)	Hon.: MARILYN L. HUFF
	)	Mag.: BARBARA MAJOR
v.)	
	)	DEFENDANTS' NOTICE OF
WELLS FARGO BANK, N.A. AS	)	MOTION AND MOTION TO
TRUSTEE FOR THE REGISTERED	)	DISMISS ACTION FOR FAILURE
HOLDERS OF STRUCTURED ASSET	)	TO COMPLY WITH COURT
SECURITIES CORPORATION	)	ORDERS AND DISCOVERY
MORTGAGE PASS-THROUGH	)	RULES
CERTIFICATES, SERIES 2007-OSI)	
and OCWEN LOAN SERVICING LLC	)	[FRCP 37(b)(2)(A)(v)]
)	
Defendants.	)	Date: February 27, 2012
	)	Time: 10:30 a.m.
	)	Crtrm: 13, Fifth Floor

**TO THE COURT, PLAINTIFF, THE PARTIES AND COUNSEL OF
RECORD HEREIN:**

PLEASE TAKE NOTICE that on February 27, 2012, at 10:30 a.m., or as
soon thereafter as may be heard in Courtroom 13 of the above-entitled Court

1 located at 940 Front Street, San Diego, California 92101, Defendants, WELLS
 2 FARGO BANK, N.A. AS TRUSTEE FOR THE REGISTERED HOLDERS OF
 3 STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-
 4 THROUGH CERTIFICATES, SERIES 2007-OSI (“Wells Fargo”) and OCWEN
 5 LOAN SERVICING, LLC (“Ocwen”)(collectively “Defendants”) will and hereby
 6 do move this Court to Dismiss Plaintiff’s Complaint for failure to comply with the
 7 Court’s November 3, 2011 and January 6, 2012 Orders and the Federal Rules of
 8 Civil Procedure regarding discovery.

9 This Motion is made and based upon Federal Rule of Federal Civil
 10 Procedure 37(b)(2)(A)(v), and is based on the ground that Plaintiff has willfully
 11 disobeyed two consecutive Court orders, has failed to participate in discovery, has
 12 failed to produce documents, has failed to attend his deposition, has failed to
 13 respond to Counsel’s communications regarding discovery compliance and has
 14 prejudiced Defendants’ ability to defend themselves.

15 This Motion is based upon this Notice, the attached Memorandum of Points
 16 and Authorities, the Court’s files concerning this action, the Declaration of Charles
 17 Tony Piccuta as well as any evidence or matters before the Court.

18 Dated: January 19, 2012

HOUSER & ALLISON
 A Professional Corporation

20 /s/ Charles Tony Piccuta

21 Charles Tony Piccuta
 22 Attorneys for Defendants, WELLS FARGO
 23 BANK, N.A. AS TRUSTEE FOR THE
 24 REGISTERED HOLDERS OF
 25 STRUCTURED ASSET SECURITIES
 26 CORPORATION MORTGAGE PASS-
 27 THROUGH CERTIFICATES, SERIES
 28 2007-OSI and OCWEN LOAN
 SERVICING LLC